

Remarks

Reconsideration of this application is respectfully requested. Upon entry of this Amendment, claims 13 and 28-49 are pending in the application, with claim 13 being the independent claim. Claim 13 is sought to be amended and new claims 28-49 are sought to be added. Support for the amendments and the new claims can be found in the specification and claims as originally filed. These changes are believed to introduce no new matter into the captioned application.

Claim 13 was previously allowed by the Examiner. Claims 14-27 were previously canceled by the Examiner as being directed to non-elected subject-matter.

Applicants assert the right to file one or more continuing applications for the subject-matter canceled.

Amendment

Claim 13 has been amended by requiring that R¹ is CONR⁶R⁷ when W is C-halogen. Support for the amendment can be found in the specification as originally filed: all the preferred embodiments and all the compounds exemplified having R¹ as CONR⁶R⁷ have W defined as C-halogen. No new matter has been added by this amendment. Excluding members of a Markush group does not violate the written description requirement. See *In re Johnson and Farnham* 194 U.S.P.Q. 187 (CCPA 1977).

Support for new claims 28 and 29 can be found, *inter alia*, at page 8, lines 24 and 28, and in Tables 1-3, at pages 24-69 of the originally filed specification. No new matter has been added.

Support for new claims 30-36 can be found, *inter alia*, in claims 2-6 as originally filed. No new matter has been added.

Support for new claims 37-49 can be found, *inter alia*, in claims 1-11 as originally filed. No new matter has been added.

Rejoinder of Method Claims and Composition Claims with Product Claims

In the Notice of Allowance and Fee(s) Due, the Examiner canceled claims 14-27 directed to methods and compositions. According to the Examiner, claims 14-27 were not rejoined because they were not of the same scope as the elected claim 13 which was allowed.

Applicants have reinserted claims 14-27 as new claims 36-49. It is respectfully submitted that, the method and composition claims 36-49 require all the limitations of the previously allowed compound claim 13 and, therefore, Applicants request the rejoinder and full examination of claims 36-49 in accordance with M.P.E.P. § 821.04 and *In re Ochiai*, 71 F.3d 1565, 37 U.S.P.Q. 1127 (Fed. Cir. 1995).

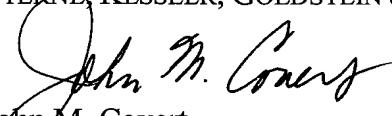
Conclusion

Applicants believe that the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of the Request for Continued Examination is respectfully requested.

Respectfully submitted,

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Date: Dec. 5, 2008

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